

NATHAN M. JENKINS (560)
JENKINS LAW FIRM
1895 Plumas Street, Suite 2
Reno, NV 89509
(775) 829-7800
Attorneys for Defendant Northern Nevada Operating
Engineers Health & Welfare Trust Fund

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

GOLIGHTLY & VANNAH, PLLC,
Plaintiff,

Case No. 3:16-cv-00144-MMD-VPC

vs.

**DEFENDANT NORTHERN
NEVADA OPERATING
ENGINEERS HEALTH &
WELFARE TRUST FUND'S
STATEMENT REGARDING
REMOVAL**

HAL HAMLETT, an individual; JESSICA
HAMLETT, an individual; JAIDYN
HAMLETT, a minor; JONATHAN HOLLAND,
a minor; REGIONAL EMERGENCY
MEDICAL SERVICE AUTHORITY;
CHRISTIAN PURGASON, D.O. dba
NORTHERN NEVADA EMERGENCY
PHYSICIANS; TJ ALLEN, LLC; RENOWN
REGIONAL MEDICAL CENTER; RENO
ORTHOPAEDIC CLINIC, LTD., DR.
CHRISTENSEN; RENO RADIOLOGICAL
ASSOCIATES, CHARTERED; ROBERT G.
BERRY, JR., M.D. PROFESSIONAL
CORPORATION dba ORTHOPEDIC
REHABILITATION SPECIALISTS OF NV;
UNIVERSAL SERVICES, INC.; OPERATING
ENGINEERS FUNDS, INC. dba OPERATING
ENGINEERS HEALTH & WELFARE TRUST
FUND; DOE Defendants I through X; ROE
CORPORATION Defendants XI through XX,

Defendant.

/

Defendant Northern Nevada Operating Engineers Health & Welfare Trust Fund
("Defendant" or the "Trust Fund"), named in the Complaint in Interpleader as Operating
Engineers Funds, Inc. dba Operating Engineers Health & Welfare Trust Fund, pursuant to the
March 16, 2016 Minutes of the Court, hereby submit the following statement regarding removal:

JENKINS LAW FIRM

ATTORNEYS AT LAW

1895 Plumas Street, Suite 2

Reno, Nevada 89509

(775) 829-7800 Fax (775) 829-0511

1 1. *The date(s) on which you were served with a copy of the complaint in the removed*
 2 *action:* Defendant Trust Fund has not been served with a copy of the Complaint in Interpleader.
 3 After removal, on March 24, 2106, Defendant Trust Fund executed an acceptance of service.

4 2. *The date(s) on which you were served with a copy of the summons:* Defendant Trust
 5 Fund has not been served with a summons. After removal, on March 24, 2106, Defendant Trust
 6 Fund executed an acceptance of service.

7 3. *In removals based on diversity jurisdiction, the names of any served defendants who*
 8 *are citizens of Nevada, the citizenship of the other parties and a summary of defendant's*
 9 *evidence of the amount in controversy:* This removal is based on Federal question jurisdiction.

10 4. *If your notice of removal was filed more than thirty (30) days after you first received a*
 11 *copy of the summons and complaint, the reason removal has taken place at this time and the date*
 12 *you first received a paper identifying the basis for removal:* Defendant's notice of removal was
 13 filed less than thirty (30) days after Defendant first learned of the filing of the Complaint in
 14 Interpleader. Defendant Trust Fund first accidentally learned of the filing of the Complaint in
 15 Interpleader on February 23, 2016 while searching court records on another matter. Upon
 16 learning of the Complaint in Interpleader, on March 10, 2016, counsel for Defendant Trust Fund
 17 sent a letter to Plaintiff agreeing to accept service of the Complaint in Interpleader. Defendant
 18 Trust Fund filed Notice of Removal on March 15, 2016. Thus, removal is timely under 28
 19 U.S.C. § 1446(b).

20 5. *In actions removed on the basis of the court's jurisdiction in which the action in state*
 21 *court was commenced more than one year before the date of removal, the reasons this action*
 22 *should not summarily be remanded to the state court:* The action in state court was not
 23 commenced more than one year before the date of removal. The action in state court was
 24 commenced on February 3, 2016. The Notice of Removal was filed on March 15, 2016.

25 6. *The name(s) of any defendant(s) known to have been served before you filed the notice*
 26 *of removal who did not formally join in the notice of removal and the reasons they did not:* The
 27 Summons and Declaration of Service for each of the following seven (7) Defendants was not
 28 filed until March 18, 2016, which was after the Notice of Removal was filed. Therefore,

Defendant Trust Fund did not know the following Defendants had been served before it filed the Notice of Removal:

- a) Defendant Regional Emergency Medical Services Authority was served March 10, 2016;
- b) Christian Purgeson, D.O. dba Northern Nevada Emergency Physicians was served March 9, 2016;
- c) Defendant TJ Allen, LLC was served March 10, 2016;
- d) Defendant Renown Regional Medical Center was served March 10, 2016;
- e) Reno Orthopaedic Clinic, Ltd., Dr. Christensen was served March 10, 2016;
- f) Reno Radiological Associates, Chartered was served March 8, 2016;
- g) Robert G. Berry, Jr., M.D. was served March 10, 2016.

None of the foregoing Defendants had appeared in the action prior to the Notice of Removal.

DATED this 24th day of March, 2016.

JENKINS LAW FIRM
Attorneys for Defendant Northern Nevada Operating
Engineers Health & Welfare Trust Fund

By: 

NATHAN M. JENKINS
1895 Plumas Street, Suite 2
Reno, NV 89509

JENKINS LAW FIRM
ATTORNEYS AT LAW
1895 Plumas Street, Suite 2
Reno, Nevada 89509
(775) 829-7800 Fax (775) 829-0511

CERTIFICATE OF SERVICE

I certify that I am an employee of JENKINS LAW FIRM and that on this date the within document entitled **DEFENDANT NORTHERN NEVADA OPERATING ENGINEERS HEALTH & WELFARE TRUST FUND'S STATEMENT REGARDING REMOVAL** was electronically filed with the Clerk of the Court using the CM/ECF system, which will automatically e-serve the same on the attorney of record set forth below:

Robert D. Vannah, Esq.,
L. Dipaul Marrero II, Esq.
Golightly & Vannah, PLLC
5555 Kietzke Lane, Suite 150
Reno, NV 89511

and that on this date I deposited for mailing at Reno, Nevada a true copy of the within document addressed to:

Regional Emergency Medical Services
Authority
Lisa Cote
450 Edison Way
Reno, NV 89502

Linda Haering, agent for
Christian Purgason
Northern Nevada Emergency Physicians
3700 Barron Way
Reno, NV 89511

TJ Allen, LLC
1475 Terminal Way, Suite A4
Reno, NV 89502

Michell Nobach, Resident Agent
Renown Regional Medical Center
50 W Liberty Street, 11th Fl
Reno, NV 89501

Jan Olivero
Maupin Cox & Legoy
Resident Agent
Reno Orthopaedic Clinic
Dr. Christensen
4785 Caughlin Pkwy
PO Box 30000
Reno, NV 89520

Michele Calkins, PARASEC
Resident Agent
Reno Radiological Associates Chartered
318 N Carson Street, #208
Carson City, NV 89701

Julia S. Gold, Esq.
Resident Agent
Robert G. Berry, Jr., M.D.
548 W Plumb Ave, Suite B
Reno, NV 89509

DATED this 24 day of March, 2016.



JENKINS LAW FIRM
ATTORNEYS AT LAW
1895 Plumas Street, Suite 2
Reno, Nevada 89509
(775) 829-7800 Fax (775) 829-0511